

UNITED STATES OF AMERICA NATIONAL LABOR  
RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

FORM EXEMPT UNDER 44 U.S.C. 3512

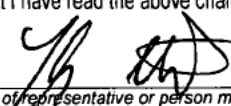
**DO NOT WRITE IN THIS SPACE**

Case  
13-CA-174626

Date Filed  
4/21/16

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

<b>1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT</b>	
a. Name of Employer (1) Loftons Holdings Seven, Inc., d/b/a 5153 West Chicago McDonald's and (2) McDonald's USA, LLC, joint employers	b. Tel. No. (1) 773-287-4687 (2) 800-244-6227
	c. Cell No.
d. Address (Street, city, state, and ZIP code) (1) 5153 W. Chicago Ave., Chicago, IL 60651 (2) 2111 McDonald's Drive, Oak Brook, IL 60523	f. Fax No. (1) 815-730-9594
e. Employer Representative	g. e-Mail
	h. Number of workers employed (1) Approx. 50; (2) 100,000+
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant	j. Identify principal product or service Fast Food
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) On or around (b) (6), (b) (7)(C), 2016, the joint employers terminated employee (b) (6), (b) (7)(C) in retaliation for (b) (6) participation in protected concerted and Union activities, and in an effort to discourage other employees from engaging in protected concerted and Union activities.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Workers Organizing Committee of Chicago	
4a. Address (Street and number, city, state, and ZIP code) 850 W. Jackson, Suite 275 Chicago, IL 60607	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No.
	4d. Fax No. (312) 243-4731
	4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By  (signature of representative or person making charge)	Tel. No. (312) 372-1361
Barry M. Bennett, Lawyer (Print/type name and title or office, if any)	Office, if any, Cell No.
Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich 8 South Michigan Avenue, 19th Floor, Chicago, IL 60603	Fax No. (312) 372-6599
Address _____	e-Mail bbennett@laboradvocates.com
	4/20/16 (date)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 13  
Dirksen Federal Building  
219 South Dearborn Street, Suite 808  
Chicago, IL 60604-1443

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (312)353-7570  
Fax: (312)886-1341



Download  
NLRB  
Mobile App

April 22, 2016

Loftons Holdings Seven, Inc. d/b/a 5153 West Chicago McDonald's  
5153 West Chicago Avenue  
Chicago, IL 60651-2904

McDonalds's USA, LLC  
2111 McDonald's Drive  
Oak Brook, IL 60523

Re: Loftons Holdings Seven, Inc., d/b/a 5153  
West Chicago McDonald's and McDonald's  
USA, LLC, joint employers  
Case 13-CA-174626

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Compliance Officer Thomas Porter whose telephone number is (312)353-7170 and e-mail address is [thomas.porter@nlrb.gov](mailto:thomas.porter@nlrb.gov). If this Board agent is not available, you may contact Deputy Regional Attorney Richard Kelliher-Paz whose telephone number is (312)353-7629.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge by May 5, 2016. If the Board agent later asks for more evidence, I strongly urge you or your representative

April 22, 2016

to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Loftons Holdings Seven, Inc., d/b/a 5153  
West Chicago McDonald's and McDonald's  
USA, LLC, joint employers  
Case 13-CA-174626

- 3 -

April 22, 2016

Very truly yours,

*/s/ Paul Hitterman*

Paul Hitterman  
Acting Regional Director

TP/dg

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

**QUESTIONNAIRE ON COMMERCE INFORMATION**

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

13-CA-174626

**1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)****2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION  
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

**4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS****5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

**9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates )**

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.  
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.  
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.  
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)  
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: \_\_\_\_\_**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

**12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE**

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**LOFTONS HOLDINGS SEVEN, INC., D/B/A 5153  
WEST CHICAGO MCDONALD'S AND  
MCDONALD'S USA, LLC, JOINT EMPLOYERS**

Charged Party

and

**WORKERS ORGANIZING COMMITTEE OF  
CHICAGO**

Charging Party

**Case 13-CA-174626**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on April 22, 2016, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Loftons Holdings Seven, Inc. d/b/a 5153 West  
Chicago McDonald's  
5153 West Chicago Avenue  
Chicago, IL 60651-2904

McDonalds's USA, LLC  
2111 McDonald's Drive  
Oak Brook, IL 60523

April 22, 2016

\_\_\_\_\_  
Date

Denise Gatsoudis, Designated Agent of  
NLRB

\_\_\_\_\_  
Name

*/s/ Denise Gatsoudis*

\_\_\_\_\_  
Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 13  
Dirksen Federal Building  
219 South Dearborn Street, Suite 808  
Chicago, IL 60604-1443

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (312)353-7570  
Fax: (312)886-1341



Download  
NLRB  
Mobile App

April 22, 2016

Workers Organizing Committee of Chicago  
850 West Jackson, Suite 275  
Chicago, IL 60607

Re: Loftons Holdings Seven, Inc., d/b/a 5153  
West Chicago McDonald's and McDonald's  
USA, LLC, joint employers  
Case 13-CA-174626

Dear Sir or Madam:

The charge that you filed in this case on April 21, 2016 has been docketed as case number 13-CA-174626. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Compliance Officer Thomas Porter whose telephone number is (312)353-7170 and e-mail address is [thomas.porter@nlrb.gov](mailto:thomas.porter@nlrb.gov). If this Board agent is not available, you may contact Deputy Regional Attorney Richard Kelliher-Paz whose telephone number is (312)353-7629.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

April 22, 2016

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

*/s/ Paul Hitterman*

Paul Hitterman  
Acting Regional Director

TP/dg  
Enclosure:  
Copy of Charge

cc: Barry M. Bennett, Attorney at Law  
Dowd Bloch Bennett Cervone Auerbach  
& Yokich  
8 South Michigan Avenue, Suite 1900  
Chicago, IL 60603-3315



Cases

Case Number	Case Name	Case Actions	Date Filed	Status	IA Category	Charging Party Petitioner	Blocked	Hot Topics	Dispute/Unit City	Dispute/Unit State	Charged Party Employer	No. 8(b)(2) Discriminatees	No. 8(a)(3) Discriminatees	No. of Employees on Petition/Charge	Description	Inquiry Id	Type	Sub Type	Team	Field Agent	Field Supervisor	Barg Status	Closed Reason	Date Closed	New	File O	Method of Contact
13-CA-142517	Loftons Holdings Seven, Inc. a McDonald's Franchisee and McDonald's USA, LLC, Joint Employers	Case Actions	12/8/2014	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonalds USA, LLC		1	50		(b) (6), (b) (7)(C)	C	CA	ECORTEZ	ECORTEZ	RPAZ	None				(b) (7)(E)	Visit
13-CA-148538	Loftons Holdings Seven, Inc. d/b/a McDonald's and McDonald's USA, LLC, Joint Employers	Case Actions	3/19/2015	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC		1	100,050		(b) (6), (b) (7)(C)	C	CA	ECORTEZ	ECORTEZ	RPAZ	Organizational Campaign	Dismissal Non-adjusted	8/26/2015			

April 26, 2016

**MEMORANDUM**

TO: File DATE: April 26, 2016

RE: Loftons Holdings Seven, Inc., d/b/a 5153 West Chicago McDonald's and McDonald's  
USA, LLC, joint employers  
Case 13-CA-174626

FROM: THOMAS PORTER, COMPLIANCE OFFICER

**CONVERSATION WITH BARRY BENNETT**

**Counsel for the Charging Party reports that the discriminatee has been reinstated without loss of backpay due to immediacy of the return and without interruption to (b) (6), (b) regularly scheduled work. Because the discriminatee has been restored to (b) (6), (b) former position, the Charging Party does not wish to continue to proceed with the instant case. Counsel will submit a formal written request for withdrawal.**

**From:** [Barry Bennett](#)  
**To:** [Porter, Thomas](#)  
**Subject:** WOCC/McD  
**Date:** Tuesday, April 26, 2016 4:02:12 PM  
**Attachments:** [T. Porter Ltr 04.26.16.pdf](#)

---

Hi Tom,

Withdrawal confirmation letter attached as you requested.

--

**BARRY M. BENNETT**  
**DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH**  
8 South Michigan Avenue | 19th Floor | Chicago, IL 60603  
Phone 312.372.1361 | Fax 312.372.6599

**Please note our new domain name, [laboradvocates.com](http://laboradvocates.com) and update your records. Thank you.**

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich ([office@laboradvocates.com](mailto:office@laboradvocates.com)). Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich. Finally, the recipient should check this email and any attachments for the presence of viruses. Dowd, Bloch, Bennett, Cervone, Auerbach & Yokich accepts no liability for any damage caused by any virus transmitted by this email.

LAW OFFICES  
**DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH**

8 SOUTH MICHIGAN AVENUE • 19TH FLOOR  
CHICAGO, ILLINOIS 60603-3315  
(312) 372-1361 | FAX (312) 372-6599  
WWW.DBB-LAW.COM

MELISSA J. AUERBACH  
BARRY M. BENNETT  
ROBERT E. BLOCH  
ROBERT S. CERVONE  
J. PETER DOWD  
JOSIAH A. GROFF  
JUSTIN J. LANNOYE  
DAVID P. LICHTMAN  
GEORGE A. LUSCOMBE III  
RONALD M. WILLIS  
STEPHEN A. YOKICH

JEREMY M. BARR  
WILLIAM M. KINNEY  
ELIZABETH L. ROWE

April 26, 2016

**VIA E-MAIL**

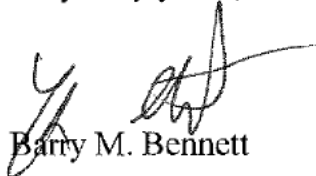
Compliance Officer Thomas B. Porter  
National Labor Relations Board  
Region 13  
Dirksen Federal Building  
219 S. Dearborn St., Suite 808  
Chicago, IL 60604

**Re: Loftons Holdings, etc and McDonald's USA  
13-CA-174626**

Dear Tom:

Confirming our telephone conversation this morning, the WOCC respectfully asks to withdraw the above-captioned charge, based on the employer's offer to reinstate (b) (6), (b) (7)(C). Please let me know if you have questions or need anything else, and please accept my thanks for your courtesy.

Very truly yours,

  
Barry M. Bennett

BMB/ (b) (6), (b) (7)(C)

cc: (b) (6), (b) (7)(C), WOCC (via email)



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 13  
Dirksen Federal Building  
219 South Dearborn Street, Suite 808  
Chicago, IL 60604-1443

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (312)353-7570  
Fax: (312)886-1341

April 27, 2016

Doreen S. Davis, Esq.  
Jones Day  
222 E. 41<sup>st</sup> Street  
New York, NY 10017-6702

Michael Ferrell, Esq.  
Jones Day  
77 W. Wacker Drive, Suite 3500  
Chicago, IL 60601

Elizabeth Winiarski, Esq.  
Jones Day  
77 W. Wacker Drive, Suite 3500  
Chicago, IL 60601-1701

Re: Lofton's Holdings Seven, Inc., d/b/a 5153  
West Chicago McDonald's and McDonald's  
USA, LLC, joint employers  
Case 13-CA-174626

Dear Parties:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

*/s/ Peter Sung Ohr*

PETER SUNG OHR  
Regional Director

TBP/ns

cc: McDonalds's USA, LLC  
2111 McDonald's Drive  
Oak Brook, IL 60523

Lofton's Holdings Seven, Inc. d/b/a  
5153 West Chicago McDonald's  
5153 W. Chicago Avenue  
Chicago, IL 60651-2904

Loftons Holdings Seven, Inc., d/b/a 5153  
West Chicago McDonald's and McDonald's  
USA, LLC, joint employers  
Case 13-CA-174626

- 2 -

April 27, 2016

Barry M. Bennett, Attorney at Law  
Dowd, Bloch, Bennett,  
Cervone, Auerbach & Yokich  
8 South Michigan Avenue, Suite 1900  
Chicago, IL 60603-3315

Workers Organizing  
Committee of Chicago  
850 West Jackson, Suite 275  
Chicago, IL 60607